1. CALL TO ORDER AND ROLL CALL

Mayor Tim Matthes called the meeting to order at 7:00 p.m. Pro-Tem Cindy Lucarelli and Councilmembers Bek Ashby, Jeff Cartwright, Fred Chang, Jerry Childs, John Clauson, and Rob Putaansuu were present and constituted a quorum. City Clerk Rinearson, Police Chief Marti, Public Works Director Dorsey, City Treasurer Martin, Development Director Bond, Deputy City Clerk Fernandez, and Interim City Attorney Morris were also present.

A. Pledge of Allegiance

Mayor Matthes led the audience and Council in the Pledge of Allegiance.

2. CITIZENS COMMENT

Mrs. Dee Coppola spoke about the Wayfinding System Project. She felt $55,000 was too much money to spend on logo design, and it should have been done locally. She feels this should have been on the Small Works Roster, but her company was not contacted. She requested the Council table this project until it can be fully researched and vetted, and then put it out to bid with extra points being given to local companies.

Ms. Kathryn Simpson spoke about the Wayfinding System Project. She is dismayed to see $55,000 for signage/logo work, and that it wasn’t on the small works roster. She referenced the March 25, 2014, staff report, and questioned what criteria was used for that competition and what was the criteria for not looking local? She would like an explanation from the City as to why 1) this wasn’t put out to bid locally, 2) why it costs $55,000, which seems to be an exorbitant amount of money for artwork and logo work, and 3) what is the City going to do in the future to improve this process so that our local artists have an opportunity to earn their way to these contracts?

Mrs. Elissa Whittleton said she is a local artist, and she is okay with the decision for the Wayfinding System Project, because it was put before the people in March, with discussions being held several times before the decision was made. Businesses can join the professional service roster to bid on projects. She said if there had been particular desires regarding the design, those concerns should have been mentioned at the beginning of the project. She has not found any color requirements in the Downtown Overlay District. City Hall, the library, and the Port buildings tie in with the committee’s suggested color palette, not to mention the water and mountains. It is discouraging to see things stymied. She would hate to see it stopped now and cost us extra dollars down the way.
In addition, she thanked Mr. Clauson for bringing the Finance Committee meeting to City Hall. At the Finance Committee meeting, the committee focused on the reaction of the HBA to proposed impact fees. Mr. Putaansuu stated this issue would be brought to Executive Session. She does not understand what RCW would allow this discussion to happen in Executive Session. She feels the HBA is encouraging the Council to adopt their views in keeping the fees low; however, as the public experiences fees to support their own impact and use of infrastructure, it is only fair that new construction do the same. She questioned why the HBA’s opinion is so heavily weighted and wondered if the Council would consider giving equal billing to a citizen’s advisory board, which she believes could be arranged.

Lastly, she thanked everyone that showed up for the Finance Budget talks today, that was a lot of work on everybody’s part and she appreciates their efforts.

**Mrs. Nicole Vaught** referenced a Port Orchard Independent article that stated Councilmembers wanted to know who is doing what in order to answer the public. That is new for her, because last year the Council had to use the lawyer to engage the citizens. She is annoyed by the statement in the article that Councilmember Childs wants to keep public comments to 20 minutes. She said the Council is working for the public, and sometimes they have important things to say. Some people are not fluent in English. The public has to have the opportunity to express what they want or don’t want. She said the public comment timer infuriates her, and the $1,500 spent on the timer was a waste of tax money. She referenced the Washington State Constitution: **ARTICLE I, SECTION 1 POLITICAL POWER:** All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

**Mr. Nick Whittleton** said he attended the Finance Committee on Monday, and thanked Mr. Clauson for holding the meeting at City Hall. During the meeting there was discussion regarding transportation impact fees. The purpose of these fees was to offset the impact of development on our City street infrastructure. The Committee’s first expressed concern was how the Home Builders Association was going to react. There is an impact from adding cars to streets, and the person(s) creating and profiting from that impact should share in the burden. He understands that may cut into the profit margin, but that is a business decision. Expecting the citizens of Port Orchard to pick up the tab to maintain a profit margin for HBA members is not right and it does not represent the best interest of the people of Port Orchard.

Regarding the wayfinding sign issue, he felt a couple of elected officials and community members is a well-formed committee for decision making regarding aesthetic issues. In the end, some will not be happy, but that is what results from a committee. Form, fit, and function are the key elements that must be looked at. In this case, form and function are met, fit is a concern of a few people. The Committee provided three options regarding an aesthetic issue for the entire City, not just the Downtown Overlay District. It is not the Council’s job to decide what color to paint the proverbial fence; it is only the Council’s job to
decide if it needs painting and how to pay for it. If the Council chooses to delay this project at an additional cost to the citizens, the Council alone is responsible for that cost overrun, as the intent of the project has been met.

Clerk Rinearson requested to read an email into the record as requested by a citizen.

Councilmember Ashby said as a point of order, she did not believe the end of the email was appropriate to read.

Councilmember Putaansuu questioned if this is a practice the Council wishes to continue -- to read letters into the record. He felt the letters should be provided to the Council, but if someone wanted something stated at the podium, that they would be present to state that. He felt public hearings should be the exception, but as a practice, he can see a half a dozen letters read at every council meeting. He wants to hear from citizens, but he wants to hear from them at the microphone, or they can send him a letter.

The Council decided to have the letter distributed to the Council and Mayor.

Councilmember Ashby asked that an explanation regarding the wayfinding system be sent to the two citizens that expressed their concerns regarding the process at tonight’s meeting.

Councilmember Chang would like the letter response read at a council meeting so people who are watching the video can learn what the answer is.

Councilmember Ashby says she knows Mr. Bond has outlined the process the City took and that should be shared with the two citizens that commented tonight.

Councilmember Childs agreed with Councilmember Ashby.

Mayor Matthes said it would be provided to those who testified tonight, and anyone else who requests it.

3. APPROVAL OF AGENDA

Councilmember Putaansuu MOVED and Councilmember Clauson seconded the motion approving the Agenda. *Upon vote, the motion passed unanimously.*

4. APPROVAL OF CONSENT AGENDA
   A. Approval of Check No. 62943 through 63004 totaling $612,520.56; October Payroll totaling $564,422.48, & Treasurer’s Check Book totaling $1,836,676.42
   B. Approval of Setting the November Work Study Session Meeting Date
   C. Approval of the October 21, 2014, Work Study Session Meeting Minutes
D. Approval of the October 28, 2014, Council Meeting Minutes
E. Approval of a Contract Authorizing the Mayor to Execute an Agreement with Gordon Sound/GS Events! for the 2014 Festival of Chimes and Lights Sound System Services
F. Approval of a Contract Authorizing the Mayor to Execute an Interagency Agreement IAA15209 for Interpreter Funding Reimbursement

Councilmember Clauson MOVED and Councilmember Childs seconded the motion approving the Consent Agenda as distributed. Upon vote, the motion passed unanimously.

5. PRESENTATION

A. Pancreatic Cancer Month Presentation & Proclamation

Mayor Matthes read the Pancreatic Cancer Month proclamation into the record and presented it to Ms. Joan Mabbutt, who thanked the Mayor and Council for their continued support. Ms. Mabbutt gave a presentation on the Wage Hope campaign.

B. KEDA Presentation

Presentation was not held.

6. PUBLIC HEARING

No public hearings were held.

7. BUSINESS ITEMS

Mayor Matthes requested Business Item 7F be heard first.

F. Adoption of a Resolution Adopting the Job Descriptions and Establishing a Step System Schedule for the Position of Public Works Employee – Water System Coordinator

Human Resources Coordinator Howard presented the staff report, noting on November 27, 2014, Public Works employee Ray Petty will be retiring. With his retirement, the City will be losing 42 years of knowledge and skills in the daily operations and maintenance of the City’s water systems. The City will need to fill this gap by hiring a knowledgeable Water System Coordinator to manage the City’s water systems. A new job description was created with a salary step schedule from a comparable with PUD 1, Silverdale Water Distinct, West Sound Utilities, and AWC cities. This position would retain the duties of a Public Works employee but would also require 5 years of experience and the certifications for a Water Distribution Manager 2. This position will be a valuable asset to cross train current Public
Works employees in the maintenance of the City’s water systems. At the November 10, 2014, Finance Committee meeting, the Committee recommended approval of this job description and salary step schedule within the Public Works/Engineering Department.

Councilmember Clauson said the Finance Committee agreed with this approach of modifying the existing position to provide for this level of expertise.

Councilmember Putaansuu added the Committee wanted to get the job posted sooner versus later due to the retirement at the end of November. By tweaking the job description, they are changing the org chart, which needs Council approval.

Councilmember Clauson MOVED and Councilmember Putaansuu seconded the motion to adopt a Resolution approving the job description and salary step schedule for a Public Works Water System Coordinator position in the Public Works/Engineering Department. Upon vote, the motion passed unanimously.

A. Adoption of an Ordinance Amending Port Orchard Municipal Code Chapter 1.18 Public Records Requests

City Clerk Rinearson presented the staff report, noting staff has reviewed Port Orchard Municipal Code Chapter 1.18, Public Records Requests and recommends the following changes:

1) Correct grammar errors.
2) Remove language that the City will not accept public records requests by email. This is inconsistent with RCW 42.56.
3) Add the statement, if records are immediately available, no requirement to fill out the public records request form. The records can be immediately inspected and/or copied.
4) Include language that references the option to provide an internet link, if the requested records are on the City’s website. This option was added to RCW 42.56.520, back in 2010.
5) Clarify what records are exempt from disclosure and include the items that should be on a privilege log.
6) Change the number of copies that are free from 10 to 15 copies. Add language to include up to 2 discs per request at no charge.
7) Add language for an alternative dispute resolution.

Council discussed the proposed Ordinance change at the August Work Study Session. No recommended changes were addressed to staff at that time.

Councilmember Chang thanked Clerk Rinearson for clarifying that the City accepts public record requests by email.
Councilmember Ashby MOVED and Councilmember Childs seconded the motion to adopt an Ordinance amending Port Orchard Municipal Code Chapter 1.18 Public Records Requests, as presented. Upon vote, the motion passed unanimously.

B. Adoption of a Resolution Adopting Policies and Procedures for Processing Public Records Requests

City Clerk Rinearson presented the staff report, noting over the past few years, the City has seen an increase of public records request. Not only has the number of requests increased, but the complexity of requests has also increased. As citizens get more involved in their local government, they tend to ask for records requiring significant research, email correspondence, and audio recordings and/or videos.

Prior to 2012, the City Clerk’s office spent approximately four hours per week (3.5%) of their time coordinating the City’s responses to and fulfilling records requests. For the past three years, there has been an increase of public records requests. This year the Clerk’s office has been spending approximately 22 hours per week (20%) responding, coordinating, and fulfilling records request. In addition, other departments have been called upon to devote significant staff resources to the increasing workload associated with records requests.

While some may suggest the condition is temporary, staff is inclined to believe that is not entirely the case. The diversity of requests that are being received, together with the experiences of other local governments throughout the State, suggests that the City must put in place a framework that will enable it to respond to the demands of the public and the law, while maintaining a reasonable deployment and allocation of its staff resources and budget.

Therefore, staff has prepared a Policies and Procedures for Processing Public Records Requests. The key processes are as follows:

- Defining routine and non-routine requests;
- Defining the reasonable amount of time to spend on processing requests;
- Defining the responsibilities of each employee;
- Defining the process for responding to requests; and
- Providing a list of the most common public records that are exempt.

Council discussed the draft policy at the August Work Study Session. The comments from that meeting have been addressed in the policy. In addition, staff has had AWC and the interim City attorney review the policy. Their comments have been incorporated.

Councilmember Chang noted he recently attended a WAPRO conference with the Clerk and Deputy Clerk, and learned there is no insurance to cover penalties for public records act
violations. He shared horror stories of fines other jurisdictions have paid. He is struck by the fact that there is no insurance. He feels the City is fortunate to have to at least two experts in public record requests working at the City

Councilmember Chang MOVED and Councilmember Lucarelli seconded the motion to adopt a Resolution adopting the Policies and Procedures for Processing Public Records Requests, as presented. Upon vote, the motion passed unanimously.

C. Adoption of a Resolution Setting the Amount of Property Taxes to be Levied for the Year 2015 Pursuant to RCW 84.55.120

City Treasurer Martin presented the staff report, noting on October 14, 2014, a public hearing on revenue sources for the current expense (general fund) budget was held. The hearing included a discussion on property tax being considered for collection in 2015. Below is a comparison of next year's levy amount to this year's levy amount.

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<tr>
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<th>2014 Levy</th>
<th>2015 Levy</th>
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<tr>
<td>1% increase</td>
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<td>$2,240,898</td>
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<tr>
<td>New construction</td>
<td>-0-</td>
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<tr>
<td>Annexation</td>
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<td>New construction</td>
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<tr>
<td>Total Taxes</td>
<td>2,240,898</td>
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<td>Refunds</td>
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<td>Refunds</td>
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<td>Total 2014</td>
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State law (RCW 84.52.043) establishes maximum levy rates for the various types of taxing districts (the state, counties, cities, and towns, fire districts, library districts, and the like). Total 2015 levy amount is estimated to be $2,326,195 based upon an estimated maximum $1.725 per thousand of assessed valuation. The 2015 levy annexation amount is estimated until the final levy calculation is completed by the Kitsap County Assessor.

Projected 2015 levy rate of $1.725 calculates a tax of $345.00 on a house assessed value of $200,000.

Councilmember Childs is not fine with the increase. He thinks there are other ways to come up with that.

Councilmember Putaansuu MOVED and Councilmember Ashby seconded the motion to adopt a Resolution to set the 2015 property tax levy and the amount of property taxes to be raised for the budget year of 2015. Upon vote, the motion passed with five affirmative votes and two dissenting votes. Councilmembers Lucarelli and Childs cast the dissenting votes.
D. Approval of a Contract Authorizing the Mayor to Execute an Agreement with Aspect Consulting, LLC for the 2015-2019 Marina Mart/Vlist Property Environmental Services

Public Works Director Dorsey presented the staff report, noting pursuant to the Scope of Work identified within the Morris Law P.C. Memorandum dated October 14, 2014, the City of Port Orchard Public Works Department requested Professional Service Proposals from two qualified environmental consulting firms listed on the City’s (MRSC) Professional Services Roster. Only one proposal was received, that being a Proposal for Environmental Services – Marina Mart/Vlist Property, 514 Bay Street from Aspect Consulting, LLC. The requested proposal provides for a 5-year maximum (2015-2019) contract, whereby year one (2015) provides for residual source evaluation and initial groundwater sampling and reporting ($7,788). Subsequent years (2016-2019) provide for the continued groundwater sampling and reporting ($4,715/year) as needed until test result support a No Further Action (NFA) determination by the Department of Ecology (Ecology). The Public Works Department has confirmed 1) that the Professional Services Proposal process was followed and 2) that the proposal will be funded in both the 2015 General Fund of the approved budget and subsequent budgets until the NFA determination is received by Ecology.

Councilmember Putaansuu said the reason the first year is so large is this is a task the City should have been doing, and the City has to catch up with monitoring the property, which the City’s responsibility.

Councilmember Putaansuu MOVED and Councilmember Clauson seconded the motion to authorize the Mayor to execute a Contract with Aspect Consulting, LLC for the 2015-2019 Marina Mart/Vlist Property Environmental Services in an amount not to exceed $7,788.00 in 2015 and $4,715.00/year for a maximum of four additional years as needed. Upon vote, the motion passed unanimously.

E. Discussion: KRCC-ART Committee Restructure

Councilmember Putaansuu said this was a continuation from Work Study. He is looking for some direction from the Council in what they are willing to support, so he can take it back to the ART Committee on Friday.

Councilmember Ashby read into the record an email she wrote regarding the recommendations. She accepts the concept of KRCC as an independent agency. The financial element of the plan defines sustainability. Her bias is to tighten the scope of the KRCC activities and the expenses in order to create a balanced budget. She would favor using the formula of 1 percent of the general fund, and no more than 1-1.5 percent of future transportation awards. Increasing the dependency of transportation awards may create problems in the future. A more consistent source of revenue is needed for the basic services.
Councilmember Childs said he has a problem with the surcharge; the City has huge projects coming forward. This could have the City spending more than other jurisdictions.

Councilmember Putaansuu said if the way this agency is funded is not changed, the request will come from the general fund. KRCC is trying to get away from general fund contributions and say those who get awards that come from transportation funds pay for it.

Councilmember Ashby said the award could not be given to KRCC; it would be a direct expense to the City. The surcharge would have to be budgeted for.

Councilmember Putaansuu said the expense would be due once a project has been obligated.

Councilmember Ashby said that other jurisdictions want equality due to their general fund budgets being structured differently.

Councilmember Clauson suggested that grants the City has already been awarded not be impacted with the proposed new surcharge. The City put in requests for funding, without having this potential additional obligation to budget for.

Councilmember Lucarelli asked if there is going to be a limit on reserves and if the surcharge would be reduced at some point. It should not be endless.

Councilmember Ashby said the monies that would be collected in 2015 as part of the transportation surcharge would be to build up the reserves. When looking at the budget of the new entity, this is where they need to make sure they understand the scope and the activities of that. They need that funding annually for their projected budget. They have provided a couple of different alternatives of what their scope of work would be. There is a onetime revenue cost transportation project surcharge for prior cycles unobligated. In one of the alternatives, they are putting in for prior cycle unobligated surcharges.

Public Works Director Dorsey said that would affect Tremont and that would be a significant number.

Councilmember Chang agrees with the continuity of KRCC. He is confused why the proposed dues are considered equitable.

Councilmember Ashby said the dues in the past have been based on the combination of property values and population. They are moving away from that to a percentage of general fund money.

Councilmember Chang said that does not benefit the City of Port Orchard. Why is that change in formula considered a better formula for the City?
Councilmember Putaansuu said the City of Port Orchard Council does not control this, the KRCC Policy Board does. He needs to know if the Council supports the concept of an independent agency and is the council comfortable with shifting to awards-based surcharge.

The Council supports the concept of an independent agency and are comfortable with shifting to an awards based surcharge, but the Council prefers it begins with funding requests that start in 2018 with the applications that are due in 2017, the start of the new funding cycle.

8. COMMITTEE REPORTS

Councilmember Clauson reported the Finance Committee met today and held budget interviews.

Councilmember Ashby reported the Economic Development/Tourism Committee met Monday and discussed how to proceed with the wayfinding system project. At the October 27th meeting, they discussed the foot ferry ridership and talked about the economic development element of the comprehensive plan and survey results.

Councilmember Putaansuu reported the Utility Committee would meet this Friday at 7:30 am. The Sewer Advisory Committee meeting discussed budget and the water reuse program/membrane system. The next SAC meeting is November 19th.

Councilmember Cartwright reported the Public Property Committee discussed park rules and Paul Powers Park improvements. The next meeting is scheduled for December 8th at 8:30 am in the Council Chambers.

Councilmember Luarelli reported the Chimes & Lights Committee is taking care of last minute details. The brochure is available and is being distributed. The tree lighting is 5:30 pm. The honorary tree lighters are Cindy & Mark Sparks from Omahundra.

Councilmember Ashby said she will be attending the PSRC meeting tomorrow, and at KRCC, they discussed the restructuring.

9. MAYOR’S REPORT

Mayor Matthes read a letter they received about the Police Department’s work on a dog attack at McCormick Village Park. He announced there is a Town Hall Meeting tomorrow night, and the Points of Light Awards and Christmas program is scheduled for December 5th, 6:00 pm at the Christian Life Center.
10. REPORT OF DEPARTMENT DIRECTORS

Public Works Director Dorsey said de-icer has been sprayed on the roads, and advised citizens to check the website to look at the snowplow route map when snow falls; the Vanzee lights are very close to being done; sand bags are available to the public up at the Public Works Shop if flooding occurs, and some bags have been distributed to areas that experience flooding during heavy rain/high tide events.

City Treasurer Martin said the budget discussions today were productive. There will be a discussion on the budget at next week’s Work Study session.

City Clerk Rinearson thanked the Council for adopting the Policies & Procedures for Public Record Requests and for the new phone system. She said the installation went well. She wanted to see what process the Council wanted to use for the Good Neighbor Awards. She will bring this up for discussion on December 9.

11. CITIZENS COMMENTS

Mr. Nick Whittleton asked if the work for stormwater should be done by City staff or be contracted. The Health District does some fecal sampling throughout the County, including five specific points in the City of Port Orchard. The City pays dues into the regional stormwater monitoring plan, which fulfills its S-8 monitoring and assessment requirements of the NPDES permit. He wanted to know how many samples the new employee would be taking and how often. He questioned if we need to add the cost of another employee to perform this function. He would like specific answers before agreeing to the increases.

Mrs. Elissa Whittleton said last year people were hesitant about submitting their own homes for the Good Neighbor Awards. She has also been telling people if they are unable to come to a Council meeting they can email their comments to the City Clerk to have them read into the record. She said it is helpful for the public to know what other people are saying, and not everyone can make it to the meetings. She is in favor of having them read in to the record, for at least three minutes.

Mrs. Nicole Vaught agreed with Mrs. Whittleton. She watches all the videos at home. She thanked the Council for bringing the Finance Committee meetings to City Hall so they can hear the audio more easily. She said it is very important that a citizen know what is going on with their local government. She said if someone had a comment, but did not have the time to come to the meeting, it would be great if it was read by the Clerk so everyone else could hear it as well.

12. EXECUTIVE SESSION

No executive session was held.
13. ADJOURNMENT

At 8:52 p.m., Mayor Matthes adjourned the meeting.

Brandy Rinearson, CMC, City Clerk

Timothy C. Matthes, Mayor